

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: REQUEST FOR FENCE SETBACK VARIANCE FROM 20 FT TO 5 FT FOR A PROPOSED 6 FT FENCE (NORMAN AND ALICE FARMER, APPLICANTS).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Earnest McDonald **CONTACT:** Tony Matthews **EXT.** 7373

Agenda Date 06-23-03 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR FENCE SETBACK VARIANCE FROM 20 FT TO 5 FT FOR A PROPOSED 6 FT FENCE (NORMAN & ALICE FARMER, APPLICANTS);
OR
2. **DENY** THE REQUEST FOR FENCE SETBACK VARIANCE FROM 20 FT TO 5 FT FOR A PROPOSED 6 FT FENCE (NORMAN & ALICE FARMER, APPLICANTS);
OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

(Commission District #5, McLain)

(Tony Matthews, Principal Planner)

GENERAL INFORMATION	NORMAN & ALICE FARMER 2623 CAHILL WAY LAKE MARY, FL 32746	PUD DISTRICT, LDC SECTION 30.451(b) & DEVELOPER'S COMMITMENT AGREEMENT FOR THE CHASE GROVES PUD
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO ERECT A BOARD ON BOARD PRIVACY FENCE APPROXIMATELY 5 FT FROM THE PROPERTY LINE ABUTTING BRIGHTVIEW DRIVE. • THE PROPOSED FENCE WOULD ENCROACH 15 FT INTO THE 20 FT MINIMUM SIDE STREET SETBACK. • A VARIANCE FROM 20 FT TO 5 FT IS REQUESTED. • IN 2000, THE APPLICANT'S WERE GRANTED A SIDE YARD VARIANCE TO CONSTRUCT A SCREEN PATIO. 	
STAFF FINDINGS	<ul style="list-style-type: none"> • THE APPLICANT IS REQUESTING THE VARIANCE TO ALLOW FOR THE ENCLOSURE OF A PLAY AREA FOR CHILDREN. • THE APPLICANT HAS FAILED TO IDENTIFY ANY SPECIAL CIRCUMSTANCES PECULIAR TO THIS PROPERTY THAT WOULD SUPPORT THE GRANT OF A VARIANCE; THEREFORE, THE GRANT OF THE SAME WOULD 	

	<p>CONFER SPECIAL PRIVILEGES TO THE APPLICANT BY BEGINNING A TREND OF ENCROACHMENT INTO THE SIDE STREET YARD THAT WOULD EXCEED ESTABLISHED NEIGHBORHOOD LIMITS.</p> <ul style="list-style-type: none">• THE APPLICATION OF THE MINIMUM SIDE STREET SETBACK STANDARD WOULD NOT DEPRIVE THE APPLICANT OF PRIVACY RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE CHASE GROVES PUD; REASONABLE USE COULD BE RETAINED BY ERECTING A FENCE THAT WOULD BE COMPLIANT WITH THE APPLICABLE YARD SETBACKS.• THE REQUESTED VARIANCE IS NOT THE MINIMUM THAT WOULD MAKE POSSIBLE THE REASONABLE USE OF THE SUBJECT PROPERTY, SINCE REASONABLE USE WOULD BE RETAINED WITHOUT THE GRANT OF A VARIANCE.• THE TRAFFIC ENGINEERING DIVISION HAS CONFIRMED THAT APPROVAL OF THE REQUEST WOULD NOT ADVERSELY IMPACT VEHICULAR SIGHT DISTANCE ALONG BRIGHTVIEW DRIVE, SHOULD THE BOARD APPROVE A VARIANCE FOLLOWING THE DEMONSTRATION OF A HARDSHIP BY THE APPLICANT.• SINCE THE PROPOSED FENCE WOULD SUBSTANTIALLY ENCROACH INTO THE SIDE STREET SETBACK, STAFF BELIEVES ANY ALLOWED ENCROACHMENT SHOULD BE EQUIVALENT TO THE EXTENT OF THE HARDSHIP IDENTIFIED BY APPLICANT.
STAFF RECOMMENDATION	<ul style="list-style-type: none">• STAFF RECOMMENDS DENIAL OF THE REQUEST, BASED ON THE FINDINGS STATED IN THIS REPORT, UNLESS A HARDSHIP CAN BE DEMONSTRATED BY THE APPLICANT. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE IMPOSITION OF THE FOLLOWING CONDITIONS:<ul style="list-style-type: none">○ ANY FENCE SETBACK VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED SECTIONS OF FENCE THAT ENCROACH INTO THE SIDE STREET SETBACK ALONG BRIGHTVIEW DRIVE, AS DEPICTED ON THE ATTACHED SITE PLAN.○ ANY ADDITIONAL CONDITIONS DEEMED NECESSARY BY THE BOARD, FOLLOWING THE PRESENTATION OF ADDITIONAL INFORMATION AT THE PUBLIC HEARING.

Norma & Alice Farmer 2623 Cahill Way



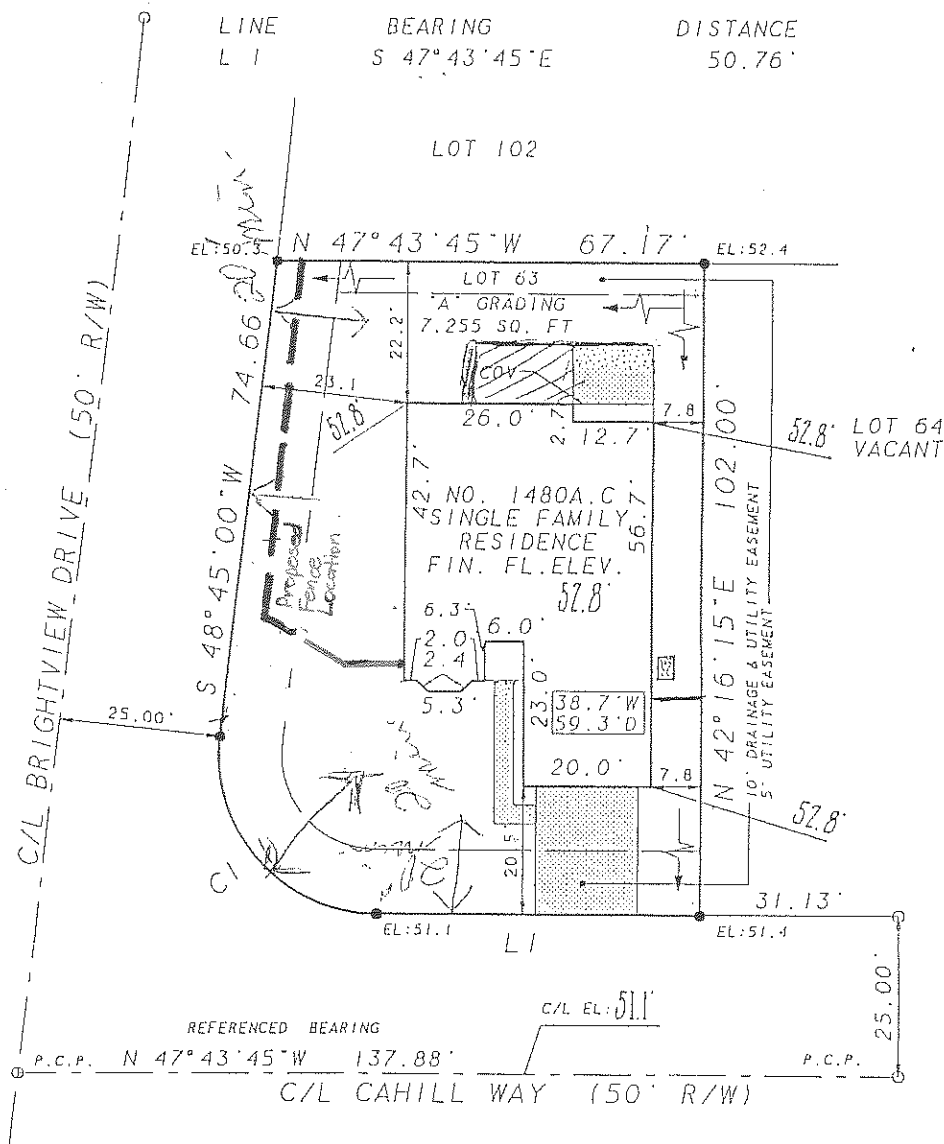
Herx & Associates Inc.

Professional Land Surveyors

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Member of the Florida Society of Professional Land Surveyors, and Florida Land Surveyors Council.

CURVE	DELTA	ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C 1	96° 27' 59"		25.00'	42.09'	27.99'	37.29'	S 00° 30' 40" W

LINE	BEARING	DISTANCE
L 1	S 47° 43' 45" E	50.76'



2623 CAHILL WAY

Chase Grove Unit 6

LEGAL DESCRIPTION: Lot 63 "Chase Groves Unit 6" according to the plat thereof as recorded in Plat Book 44, at pages 29-31 of the Public Records of Seminole County, Florida.

FLOOD HAZARD DATA: The Parcel shown hereon lies within Flood Zone "C", according to the Flood Insurance Rate Map Community Panel Number 120289 0045B, Dated 5/5/81.

General Notes:

- This is a Boundary Survey performed in the field on 4-18-94
- No underground installations, subsurface and/or aerial encroachments were located.
- Elevations shown hereon are assumed and are shown only to depict the difference in elevation between the floor slab of the residence and the crown of pavement. Other elevations are taken from approved construction plans and have not been verified.

Legend

CD CHORD
CL CENTERLINE
C.M. CONCRETE MONUMENT

P.C.C. POINT OF COMPOUND CURVATURE
P.O.B. POINT OF BEGINNING
P.A.C. POINT OF ANCHORAGE